

# **EXHIBIT K**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UGOCHUKWU GOODLUCK NWAUZOR, )  
FERNANDO AGUIRRE-URBINA, )  
individually and on behalf of )  
all those similarly situated, )  
 )  
Plaintiffs/Counter-Defendants. )  
 )  
vs. ) NO. 3:17-CV-05769-RJB  
 )  
THE GEO GROUP, Inc., )  
 )  
Defendant/Counter-Claimant. )

DEPOSITION UPON ORAL EXAMINATION OF DEBRA JEAN EISEN

Friday, December 13, 2019  
Tumwater, Washington

NWAUZOR vs GEO GROUP  
Debra Eisen, 12/13/2019

1 APPEARANCES:

2 FOR THE DEFENDANT:

3 MS. JOAN MELL  
4 III Branches Law  
5 1019 Regents Blvd., Suite 204  
6 Fircrest, WA 98466

7 FOR THE STATE OF WASHINGTON:

8 MS. MARSHA CHIEN  
9 ASSISTANT ATTORNEY GENERAL  
10 800 Fifth Avenue, Ste. 2000  
11 Olympia, WA 98104-3188

12 FOR DEPARTMENT OF CORRECTIONS:

13 MS. KATIE FABER  
14 ASSISTANT ATTORNEY GENERAL  
15 P.O. Box 40116  
16 Olympia, WA 98504-0116

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1   **A No. If we're talking about Department of Corrections.**

2   Q But we're not, are we? We say state procurement, correct?

3                         MS. CHIEN: Object to form.

4   **A Well, my understanding is these matters have to do with the**  
5                         **Department of Corrections.**

6   Q (By Ms. Mell) Why would you think that? Is there anything  
7                         in either 18 or 19 that refers to DOC at all?

8   **A No, but let's see. There is the rest of the subpoena, and**  
9                         **there is reference to GEO Group, and we have issued a**  
10                         **contract. We did have a contract with GEO Group.**

11   Q What kind of contract did you have with Geo Group?

12   **A For housing of offenders out of state.**

13   Q Okay. Did you have a contract with GEO to house offenders  
14                         wherever they're housed?

15   **A Out of state.**

16   Q Why was it out of state?

17   **A That was, I guess, where GEO Group was available to house**  
18                         **overflow offenders.**

19   Q So within the contract that you had with the Geo Group, did  
20                         that include giving GEO access to the labor of the  
21                         incarcerated individuals?

22                         MS. CHIEN: Object to form.

23   **A Well, there was a provision in the contract regarding if**  
24                         **offenders -- that offenders could work, yes.**

25   Q (By Ms. Mell) Okay. At subminimum wages?

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1     **A Yes.**

2     Q And was it deemed necessary from the State's perspective to  
3        authorize detainee work in order to maintain the safety and  
4        security of those detainees?

5                   MS. CHIEN: Object to form.

6     **A I can't speak to that.**

7     Q (By Ms. Mell) Why would you include it in the contract?

8     **A The ability to have offenders work is in every contract we**  
9        **have with another entity to house offenders.**

10    Q Why is it in there?

11    **A My opinion, my belief, not speaking -- well, I am speaking**  
12       **for the agency. So I will say that there is an idleness**  
13       **concern that offenders are occupied during their**  
14       **incarceration --**

15    Q So is it --

16    **A -- in addition to programming whatever else is available.**

17    Q Is that a policy choice of the State of Washington?

18                   MS. CHIEN: Object to form.

19    **A I cannot speak to that.**

20    Q (By Ms. Mell) Is it a policy choice of the Department of  
21        Corrections?

22    **A It is a safety and security choice for the Department of**  
23       **Corrections.**

24    Q And the Department of Corrections does not require  
25        contractors like GEO to pay minimum wage to the detainees

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1           GEO detains or houses?

2                         MS. CHIEN: Object to form.

3   **A The Department of Corrections is exempted from having to**  
4   **abide by minimum wage for offenders.**

5   **Q (By Ms. Mell) Therefore, the Department of Corrections**  
6   **extends the same exemptions to its contractors, like GEO,**  
7   **who are housing its detainees?**

8                         MS. CHIEN: Object to form. You're testifying  
9                         for her again.

10   **Q (By Ms. Mell) Is that correct?**

11   **A Please repeat that.**

12   **Q Is it correct that the State of Washington DOC extends the**  
13   **same exemption from the Minimum Wage Act to private**  
14   **corporations like GEO who do the Department of Corrections**  
15   **work for it with respect to Washington detainees?**

16                         MS. CHIEN: Object to form.

17   **A The Department extends all of its legal requirements to all**  
18   **of its contractors --**

19                         MS. CHIEN: I'm sorry, I'm going to object to  
20                         the extent --

21                         MS. MELL: You cannot. You cannot. You need to  
22                         stop doing that.

23                         MS. CHIEN: -- to the extent you're asking a  
24                         legal question, so she is not a legal designee. I'm making  
25                         an objection on legal grounds.

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1 MS. MELL: I would ask you not to interrupt the  
2 witness when she's talking.

3 Q (By Ms. Mell) Do you know where you left off?

4 **THE WITNESS: Shall I proceed?**

5 MS. CHIEN: Yes.

6 A **The Department extends all of its legal or RCW requirements**  
7 **to all of its contractors because it must abide by the law**  
8 **for the Department.**

9 Q (By Ms. Mell) So the State of Washington would not  
10 consider GEO's use of Washington State individuals in  
11 detention at subminimum wages a violation of the Minimum  
12 Wage Act?

13 MS. CHIEN: Object to form. Legal question.  
14 She's not a legal authority.

15 A **Say that again, please.**

16 Q (By Ms. Mell) The State of Washington Department of  
17 Corrections does not consider GEO's use of detainee labor  
18 at subminimum wages pursuant to its DOC contract a  
19 violation of the Minimum Wage Act?

20 MS. CHIEN: Objection --

21 A **The Department is not subject --**

22 MS. CHIEN: Sorry. You have to give me an  
23 opportunity to object.

24 **THE WITNESS: I'm sorry.**

25 MS. CHIEN: Object to the extent it calls for a